

REMARKS/ARGUMENTS

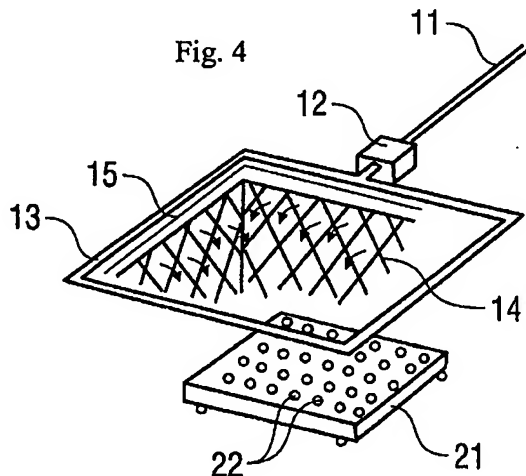
By this Amendment, claim 21 is amended and claim 39 is canceled. Claims 21, 24-38 and 40 are pending.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Indefiniteness Rejection of Claim 24

Claim 24 stands rejected as being indefinite under 35 U.S.C. § 112, second paragraph, in its recitation of the expression "substantially grid-shaped". This rejection is respectfully traversed.

The expression "substantially grid-shaped" is not specifically defined in the specification, but its meaning is clearly suggested by Ref. No. 14 of Fig. 4 (depicted below). The meaning is further informed by the conventional definition of the term "grid" as "a network of uniformly spaced horizontal and perpendicular lines [or] something resembling such a network" (see Webster's Ninth New Collegiate Dictionary, p. 537, Merriam-Webster pub., 1985, attached). A person having ordinary skill in the art (a PHOSITA) would readily understand from Fig. 4 and the conventional definition of "grid" that a "substantially grid-shaped" inner wall is a wall comprised of a network of linear members divided into two groups: (1) a first group of approximately parallel linear members spaced apart approximately equally; and (2) a second group of approximately parallel linear members spaced apart approximately equally, wherein the first group members and the second group members intersect each other at an approximately constant angle. Fig. 4 makes it clear that "substantially grid-shaped" is not limited to linear members that are horizontal, vertical and/or perpendicular to each other.



Accordingly, reconsideration and withdrawal of the indefiniteness rejection of claim 24 are respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 21, 24, 35 and 40 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 6,044,648 (Rode) in view of U.S. Patent No. 3,595,030 (Roslonski). Claims 25 and 26 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Rode in view of Roslonski further in view of U.S. Patent No. 4,481,779 (Barthel). Claim 27 and 28 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Rode in view of Roslonski further in view of U.S. Patent No. 3,618,336 (Palma). Claim 29 and 30 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Rode in view of Roslonski further in view of U.S. Patent No. 5,601,143 (Binder). Claim 31-34 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Rode in view of Roslonski further in view of U.S. Patent No. 5,976,871 (Walker et al.). Claim 36, 38, and 39 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Rode in view of Roslonski further in view of U.S. Patent No. 6,845,628 (Weng). Claim 37 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Rode in view of Roslonski further in view of Weng further in view of U.S. Patent No. 5,546,756 (Ali). These rejections are respectfully traversed.

Features of the Claimed Invention

The present invention is based on the technical recognition that conventional cooling equipment using liquid cooling agents suffer from the presence of cooling agent lakes at the bottom of the cryovot. These lakes in conventional cooling equipment cause several problems as explained in the introductory portion of the description at pages 1 and 2. Firstly, the temperature constancy and temperature distribution inside the vat is unsatisfactory. Further, the protective bell can mist over on account of the cooling agent outgasing from the lakes at the bottom of the cryovot. Further, the temperature inside the cryovot cannot be adjusted or can only be adjusted with difficulty by changing the amount of liquid cooling agent introduced into the vat.

The invention provides cooling equipment which avoids the creation of cooling lakes at the bottom of the cooling space, and the problems associated therewith. Base claim 21 has been amended to specifically recite this aspect of the invention, which was previously claimed in claim 39.

Base claim 21 also specifies that the cooling agent supply line empties into the intermediate space between the inner wall and the outer wall and introduces the cooling agent in

liquid form into the porous buffer material of the intermediate space. Support for this limitation is apparent in the specification at, e.g., page 3, lines 6-26.

Rode Emits Gaseous, not Liquid Refrigerant

Rode pursues a different technical concept for improving the uniformity of product cooling by vaporizing all of the liquid refrigerant inside a coil (see Rode at, e.g., column 1, lines 59-62). Fig. 3 of Rode (cited in the Office Action and depicted at right) discloses an embodiment in which fan 54 circulates a cooling agent emitted from a cooling agent supply line (tube 66) through the intermediate space (plenums 56, 58, 60) and into the cooling space (chamber 50). Refrigerant is introduced into the cooling space (chamber 50) from the cooling agent supply line in a gaseous form (see, e.g., column 3, lines 2-5).

Thus, Rode does not disclose the introduction of the “cooling agent in liquid form into the porous buffer material of the intermediate space” as specified in base claim 21. Rode is furthermore irrelevant to the problem of lakes of liquid cooling agent formed at the bottom of the cooling space, which is addressed by the present invention.

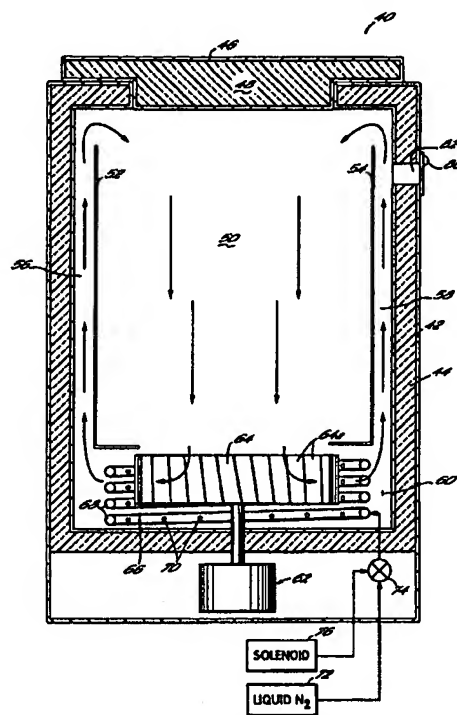


FIG. 3

Roslonski Teaches Wrong Cooling Agent Flowing the Wrong Way

Roslonski discloses a cooling apparatus in which a gaseous cooling agent is emitted from the cooling agent supply line (“tubing 15”), and exits the cooling space (“inner compartment 22”) through holes 36 into the intermediate space (“outer compartment 32”). See Roslonski at Fig. 2 and column 2, lines 33-40 and 53-65.

Thus, the direction of the flow of the cooling agent in Roslonski is from the cooling space into the insulating material of the intermediate space, which is the opposite of what is claimed by Applicants.

Moreover, Roslonski does not use a liquid cooling agent, but rather uses a gaseous refrigerant (see, e.g., Roslonski at column 1, lines 49 and 72, and column 2, line 35). Therefore,

Roslonski, like Rode, is irrelevant to the problem of lakes of liquid cooling agent formed at the bottom of the cooling space, which is addressed by the present invention.

Improper Combination of Incompatible Teachings

A PHOSITA would not have been motivated to incorporate the porous buffer material of Roslonski in the intermediate space (i.e., plenums 56, 58, 60) of Rode with a reasonable expectation of success. A PHOSITA would have expected the porous buffer material of Roslonski to block the air circulation path (i.e., the flow of gaseous cooling agent from tube 66 through plenums 56, 58, 60, and into chamber 50, which is facilitated by fan 62), which is essential to the teachings of Rode. See, e.g., the Summary of the Invention of Rode at column 1, lines 36-58. A PHOSITA would have expected the proposed modification to the teachings of Rode to result in a device ineffective for rapidly cooling items in the chamber. As noted in *McGinley v. Franklin Sports Inc.*, 60 USPQ2D 1001, 1010 (Fed. Cir. 2001):

If references taken in combination would produce a “seemingly inoperative device,” we have held that such references teach away from the combination and thus cannot serve as predicates for a prima facie case of obviousness. *In re Spinnoble*, 405 F.2d 578, 587, 160 USPQ 237, 244 (CCPA 1969) (references teach away from combination if combination produces seemingly inoperative device); see also *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984) (inoperable modification teaches away).

In addition, Rode and Roslonski teach the provision of gaseous cooling agents in the cooling space, and are therefore irrelevant to the problem of lakes of liquid cooling agent formed at the bottom of the cooling space, which is addressed by the present invention. A PHOSITA would have lacked motivation to consult or combine this non-analogous art to address the problems addressed by the invention.

Proposed Combination Does Not Meet All Claimed Features

The proposed combination of reference teachings fails to disclose or suggest the introduction of the cooling agent in liquid form into the porous buffer material of the intermediate space.

None of the additional reference teachings can be properly combined to remedy the aforementioned deficiencies of Roslonski and/or Rode, and therefore the claimed invention is not obvious in view of the cited art.

U.S. App. No. 10/598,436
Amendment with RCE Dated 3/25/09
Responsive to Final Rejection of 1/27/2009

Accordingly, reconsideration and withdrawal of the obviousness rejections are respectfully requested.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

March 25, 2009

By



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Attorneys for Applicants

Please charge or credit our
Account No. 03-0075 as necessary
to effect entry and/or ensure
consideration of this submission.

that is green with growing
r from incomplete fermenta-
r to make plants grow —
rle (*Chelonia mydas*) with a
highly nutritious eggs
se foliage or foliage-bearing

[Greenwich, England] (1861)
Greenwich used as the prime
rid — called also Greenwich

INGED TEAL
(13) : a small dabbling duck
a chestnut head with a green
wing speculum
green with foliage
akin to OE *grætan* to weep
n of kind wishes : HAIL 2 : a
ner (~ed the candidate with
response to (apathy) ~ed her
if (a surprising sight) ~ed her

AE *grætan*, fr. OE *grætan*, akin
ELEMENT
(15c) : an expression of
lural (holiday) ~s
: a message of goodwill and is
is a birthday or a holiday
griously (1867) : any of a large
rn sporozoan protozoans that
ates — gregarine adj
gregarious of a flock or herd, fr.
ein to collect, agora assembly
h others of one's kind : social
r companionship : SOCIABLE
f a plant : growing in a cluster
sts but not forming a true col-
pre-gar-ous-ly adv — gregar-

(1642) : of or relating to Pope
ng to Pope Gregory I 2 : of
of Gregorian chant
ator 1332, apostle of Armenia
national church
endar in general use introduced
revision of the Julian calendar,
merican colonies in 1752, and
t or after 1700 11 days and the
years divisible by 400 should be

sic and rhythmically free liturg-
ch
dk), fr. It *greggio* (1926) : beat
from a loom — used of textile
stalline rock consisting of quartz
and Saxony
of IrGael *gruaimin* ill-humored
old to be responsible for malice

ate, fr. LL *granata*, fr. L *gran-*
more at CORN (1591) : a small
a chemical agent (as tear gas,
and that is thrown by hand or
ber)
renade grenade (1676) 1 : a
ades b : a member of a special
th grenades 2 : any of various
that are related to the code, as
compressed pointed tail — called

F, fr. *grenade* (1852) 1 : a plant
us fibers 2 : a moderate red
pomegranates, and used in music

istrous man-eating descendant
lish poem *Beowulf*
Thomas Gresham (1858) : an
xins are equal in debt-paying
ne having the lesser intrinsic
ne other to be hoarded or given

iretna Green, Scotland (1811)
es are

Frans-
hound,
N grey
a tall
g of a
nd keen
e and
dogs
common
A. cine-
greyhound

gribble 'grib-əl n (prob. dim. of 'grub) (1838) : a small marine isopod
crustacean (*Limnoria lignorum* or *L. terebrans*) that destroys sub-
merged timber

grid 'grid n [back-formation fr. *gridiron*] (1839) 1 : GRATING 2 : a
battery (2) : an electrode consisting of a mesh or a spiral of fine wire
in an electron tube (3) : a network of conductors for distribution of
electric power; also : a network of radio or television stations (b : a
network of uniformly spaced horizontal and perpendicular lines (as for
a road) c : GRIDIRON 2; broadly : FOOTBALL 3 : the starting posi-
tions of cars on a racecourse, 4 : a device (as of glass) in a photocom-
poser on which are located the characters to be exposed on the film as
the text is composed

griddle 'grid-əl n (ME *gredil* *gridiron*, fr. ONF, fr. L *craticulum*, dim.
of *cratic* wickerwork — more at HURDLE (14c) : a flat metal surface of
pan on which food is cooked by dry heat

griddle cake n (1783) : PANCAKE
gridiron 'grid-ik(-ə)n n (ME *gredire*) (14c) 1 : a grate for broiling
food 2 : something consisting of or covered with a network 3 : a
football field

gridlock 'grid-lɔk n (1980) 1 : a traffic jam in which a grid of intersect-
ing streets is so completely congested that no vehicular movement is
possible 2 : a situation resembling a gridlock (as in congestion or lack
of movement)

grief 'gref n (ME *gref*, fr. MF, heavy, grave, fr. (assumed) VL *grevis*,
alter. of L *gravis*) (15c) 1 obs : GRIEVANCE 3 2 a : deep and poignant
distress caused by or as if by bereavement b : a cause of such
suffering 3 a : MISAP, MISADVENTURE b : TROUBLE, ANNOYANCE
(enough ~ for one day) c : an unfortunate outcome d : DISASTER
used chiefly in the phrase *come to grief* *syn* see SORROW

grievance 'grē-vəns n (14c) 1 obs : SUFFERING, DISTRESS 2 : a
cause of distress (as an unsatisfactory working condition) felt to afford
reason for complaint or resistance 3 : the formal expression of a
grievance *syn* see INJUSTICE

grievance committee n (1927) : a committee formed by a labor union or
by employer and employees jointly to discuss and where possible to
eliminate grievances

grievant 'grē-vənt n (1958) : one who submits a grievance for arbitration

grieve 'grēv v [grieved; grieving] (ME *griev*, fr. OF *grever*, fr. L
gravis to burden, fr. *gravis* heavy, grave; akin to Goth *kaurjos*, pl.
heavy, Gk *barys*, Skt *garu*) vt (13c) : to cause to suffer : DISTRESS ~ vt
: to feel grief : SORROW — griever n

grievous 'grē-vəs adj (14c) 1 : OPPRESSIVE, ONEROUS (~ costs of war)
2 : causing or characterized by severe pain, suffering, or sorrow (a ~
wound) (a ~ loss) 3 : SERIOUS, GRAVE (~ fault) — grievously adv

griffin 'grif-in n (ME *griffon*, fr. MF *griffon*, fr. *grif*, fr. L
griffus, fr. Gk *gryps*, *gryps* curved; akin to OE *cradol* cradle)

griffon 'grif-in n (13c) : a mythical animal typically having the head, forepart, and
wings of an eagle and the body, hind legs, and tail of a lion

griffin 'grif-in n [F, lit., griffin] (1882) 1 : BRUSSELS GRIFFON 2
WIREHAIRIED POINTING GRIFFON

grift 'grift n (grift, n, perh. alter. of *graff*) slang (1915) : to obtain
(money) illicitly (as in a confidence game) — grift n, slang — grifter n,
slang

grill 'gril n (ME *grege*) (1566) : a lively lighthearted usu. small or
young person

grill 'gril n (1668) 1 : to broil on a grill; also : to fry or toast on a
griddle 2 : to torment as if by broiling b : to question intensely
(the police ~ed the suspect) *syn* see AFFLICT — griller n

grill 'gril n (1668) 1 : a framework of parallel bars on which food is exposed to heat (as from
charcoal or electricity) 2 : food that is broiled usu. on a grill — com-
pound

grill 'gril n (1776) 1 : a framework of timber or steel for support in marshy or
treacherous soil 2 : a framework for supporting a load (as a column)

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grim reaper n, often cap G&R (ca. 1927) : death esp. when personified
as a man or skeleton with a scythe

grimy 'grī-mē adj grim-līer, -est (1612) : full of or covered with grime
: DIRTY — griminess

grin 'grin vi grinned; grin-ning [ME *grennen*, fr. OE *grennian*; akin to
OHG *grennen* to snarl] (bef. 12c) : to draw back the lips so as to show
the teeth esp. in amusement or laughter; broadly : SMILE — grin n —
grin-ner n — grin-ning-ly 'grin-ŋ-ŋ-ly adv

grind 'grind v ground; grind-ing [ME *grinden*, fr. OE *grin-*
dan; akin to L *frondere* to crush, grind, Gk *chondros* grain; OE *grēt*
grit] vt (bef. 12c) 1 : to reduce to powder or small fragments by fric-
tion (as in a mill or with the teeth) 2 : to wear down, polish, or
sharpen by friction : WHET (~ an ax) 3 a : to rub or press harshly
(ground the cigarette out with his heel) b : to press together with a
rotating motion (~ the teeth) 4 a : OPRESS, HARASS b : to weaken
or destroy gradually — used with down (poverty ground his spirit
down) 5 : to operate or produce by turning a crank (~ a hand organ)
~ vi 1 : to perform the operation of grinding 2 : to become pulver-
ized, polished, or sharpened by friction 3 : to move with difficulty or
friction esp. so as to make a grinding noise (~ing gears) 4 : DRUDGE;
esp. to study hard (~ for an exam) 5 : to rotate the hips in an erotic
manner (as in a burlesque striptease) — grinding-ly 'grin-ŋ-ŋ-ly adv

grind n (13c) 1 a : an act of grinding b : the sound of grinding 2
: dreary monotonous labor or routine; esp. : intensive study b : one
who works or studies excessively 3 : the result of grinding; esp. : ma-
terial obtained by grinding to a particular degree of fineness (a percola-
tor ~ of coffee) 4 : the act of rotating the hips in an erotic manner
syn see WORK

grinder 'grin-dər n (14c) 1 a : MOLAR b pl : TEETH 2 : one that
grinds 3 : a machine or device for grinding 4 : SUBMARINE 2

grindstone 'grin-stōn n (13c) 1 : MILLSTONE 1 2 : a flat circular
stone of natural sandstone that revolves on an axle and is used for
grinding, shaping, or smoothing

gringo 'grin-ŋo n, pl gringos (Sp. alter. of *griego* Greek, stranger; fr.
L *Graecus* Greek) (1849) : a foreigner in Spain or Latin America esp.
when of English or American origin — often used disparagingly

grip 'grip v gripped; gripping [ME *gripen*, fr. OE *gripan*; akin to
OE *gripan*] (bef. 12c) 1 : to seize or hold firmly 2 : to hold strongly
the interest of (a story that ~s the reader) — gripper n — grip-pling-ly
'grip-ŋ-ŋ-ly adv

grip n (bef. 12c) 1 a : a strong or tenacious grasp b : strength in
gripping c : manner or style of gripping 2 a : a firm tenacious hold
typically giving control, mastery, or understanding (could not free
himself from the ~ of these new ideas) b : mental grasp : APPREHEN-
SION 3 : a part or device for gripping 4 : a part by which something
is grasped; esp. : HANDLE 5 : TRAVELING BAG 6 : STAGEHAND

gripe 'grip v gripped; gripping [ME *gripen*, fr. OE *gripan*; akin to
OHG *grifan* to grasp, Lith *griebti*] vt (bef. 12c) 1 : SEIZE, GRASP 2 : a
AFFLICT, DISTRESS b : IRRITATE, VEX (gripped by new income-tax pro-
visions) 3 : to cause pinching and spasmodic pain in the bowels of ~ vi
1 : to experience gripes 2 : to complain with grumbling — griper n

gripe n (13c) 1 : CLUTCH, GRASP, broadly : CONTROL, MASTERY 2
: GRIEVANCE, COMPLAINT 3 : a pinching spasmodic intestinal pain —
usu. used in pl. 4 : HANDLE, GRIP 5 : a device (as a brake) for grasp-
ing or holding

grippe 'grip n [F, lit., seizure] (1776) : an acute febrile contagious
virus disease identical with or resembling influenza — grippy 'grip-ŋ-
ŋ-ly adj

grissle 'grī-səl n (1877) : TRAVELING BAG

grissle 'grī-səl n (1848) : decoration in tones of a single color and esp. gray designed to
produce a three-dimensional effect

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